

## REMARKS

Claims 1-8 are pending in this application, with claim 1 being independent. For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art. As a preliminary matter, Applicants thank Examiner Sellers for the thoughtful courtesies and kind treatment afforded to Applicants' undersigned representative during the telephonic interview conducted on March 6, 2008. This response reflects the substance of the interview.

### Claim Rejections – 35 U.S.C. § 102

Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication Number 2003/0076301 ("Tsuk"). Applicants respectfully traverse this rejection because Tsuk fails to describe or suggest a digital audio system that includes, among other features, a reproduction unit to reproduce digital audio signals from a signal source controlled by a control device, wherein the control device is provided with a manually operable input arrangement which is movable in two directions such that movement in a first direction causes the reproduction of a portion of the signals to be skipped and movement in a second direction causes the reproduction of a portion of the signals to be repeated, as recited in claim 1.

To provide context, in one aspect, the application describes using forward and reverse motions of a control device to repeat or skip sections (e.g., frames) of an audio and to thereby provide an effect similar to "scratching" used by DJs with vinyl disks. To this end and as the application further explains the direction of play is forward and there is no variation in the overall playback speed. *See e.g.*, Application at page 6, line 24 to page 7, line 3. These characteristics are different from those proposed by Tsuk, which teaches navigating backwards and forwards at an accelerated speed.

To illustrate, Tsuk discloses a method and an apparatus for accelerated scrolling. Tsuk at Abstract. Referring to FIG. 7B of Tsuk, the apparatus 700 includes a user input device (e.g., a circular input device) 710 that enables a rotational user action and thereby enables accelerated scrolling. *See e.g.*, Abstract. This accelerated scrolling is mainly applied to a play list of songs, thereby enabling scrolling through the list of songs so that the rate of movement through the list is not dependent on the amount of rotation by a constant factor, but rather by a variable factor. *See e.g.*, Tsuk at page 6, paragraph [69]. Additionally, as the Examiner points out, this accelerated scrolling may also be used with respect to an audio player that provides a scroll bar indicating position of playing within an audio file. *See e.g.*, Tsuk at page 5, paragraph [62].

Specifically, the Examiner points to FIGS. 1 and 6 of Tsuk, asserting that Tsuk teaches steps of receiving a number of units associated with rotational user input on the input device (step 101) and determining an acceleration factor (step 102). Furthermore, the Examiner asserts that Tsuk teaches the steps of modifying the number of units by the acceleration factor (step 106), determining next portion of a data set based on the modified number of units (step 108), and presenting the next portion of the data set to the user (step 110). Because the data set can include a media file (e.g., MP3 or another audio file), the Examiner asserts that the next portion can pertain to a segment or position in an audio file. *See e.g.*, Tsuk at page 5, paragraph [60]. Assuming that all these assertions are correct, Tsuk still teaches nothing more than performing backwards or forwards navigation through a song at an accelerated speed and it does not teach skipping a portion of the song.

Accordingly, Tsuk does not describe or suggest a digital audio system that includes, among other features, a reproduction unit to reproduce digital audio signals from a signal source controlled by a control device, wherein the control device is provided with a manually operable

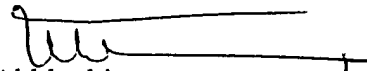
input arrangement which is movable in two directions such that movement in a first direction causes the reproduction of a portion of the signals to be skipped and movement in a second direction causes the reproduction of a portion of the signals to be repeated, as recited in claim 1.

Anticipation under 35 U.S.C. § 102 requires that “each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). For the reasons set forth above, the cited prior art Tsuk does not disclose expressly or inherently the above recited feature.<sup>1</sup> Therefore, Applicants respectfully request that the 102(e) rejection of claim 1 and its dependent claims be withdrawn.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Babak Akhlaghi  
Limited Recognition No. L0250

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 BA:MaM  
Facsimile: 202.756.8087  
**Date: March 12, 2008**

**Please recognize our Customer No. 53080  
as our correspondence address.**

---

<sup>1</sup> For Tsuk to inherently disclose skipping, there must be no other alternative to get to the next portion of the song. Here, there are other alternatives, such as, for example, getting to the next portion at an accelerated speed instead of skipping.